

In the Claims

Please cancel Claims 5, 7-10, 23, 25, 26, 31, 35 and 36.

Please amend the claims as follows:

1. (Amended) Particles [A particulate composition] for drug delivery to the pulmonary system consisting of [comprising]:

biodegradable particles incorporating] a therapeutic agent and a material selected from the group consisting of surfactant and a molecule having a charge opposite to the charge of the therapeutic agent and forming a complex thereto, wherein the particles have a tap density less than 0.4 g/cm³ and a mean diameter between 5 μ m and 30 μ m effective to yield an aerodynamic diameter of the particles of between approximately one and five microns.

14.

(Amended) A method for drug delivery to the pulmonary system comprising:

administering to the respiratory tract of a patient in need of treatment an effective amount of [biodegradable] particles consisting of [incorporating] a therapeutic agent and a molecule selected from the group consisting of surfactant and a molecule having a charge opposite to the charge of the therapeutic agent and forming a complex thereto,

wherein the particles have a tap density less than about 0.4 g/cm³ and a mean diameter of between 5 μ m and 30 μ m effective to yield an aerodynamic diameter of the particles of between approximately one and five microns.

REMARKS

Entry of the amendment is requested. The amendment more particularly describes that which the Applicants' view as their invention. No new matter is added by these amendments. Each rejection made by the Examiner is set forth below under a separate heading.

Rejection under 35 U.S.C. 102(b) over Illum, U.S. Patent No. 4,904,479

Claims 1-5, 9 and 14 are rejected under 35 U.S.C. 102(b) over Illum, U.S. Patent No. 4,904,479. Applicants respectfully disagree.